

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR AUGUSTO GARCIA SALVADOR,

Plaintiff,

-v-

WEST 54 LIQUORS LLC, d/b/a 10th Ave Wines
& Liquors, AMANY AWAD, LATA DOE, and
BUSHARA DOE,

Defendants.

20 Civ. 5220 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


The Court has received the parties' letter motion to approve the settlement reached in this case. Dkt. 40 ("Letter"). In reviewing that settlement, the Court has noticed that, although the parties' letter sets forth the amount of attorneys' fees, the settlement agreement does not do so.¹ Moreover, the method by which the Letter calculates the fee award—"the filing fee incurred in filing of the Complaint plus one third of the remainder of the recovery in this litigation"—does not produce the \$8,999.33 set forth therein.²

To ensure that all are in agreement as to the sums to be paid under the Agreement, the parties are directed to file, by tomorrow, February 3, 2021, a letter clarifying the amounts of the award to be paid to plaintiff and to his attorneys.

¹ The agreement contemplates a series of four checks comprising the total settlement amount, *see* Dkt 40-1 ("Agreement") § 1(a)(1), (2), but no combination thereof sums to the \$8,999.33 in fees set forth in the parties' letter, *see* Letter at 2.

² That method does, however, appear to produce the \$8,780 that the Agreement directs be paid via two checks to "Michael Faillace & Associates, P.C.," as opposed to "Michael Faillace & Associates, P.C. as Attorneys for Plaintiff Cesar Augusto Garcia Salvador." *See* Agreement § 1(a)(1), (2).

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 2, 2021
New York, New York